

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
EXECUTIVE MEETING MINUTES  
MAY 21, 2013  
6:30 PM**

Mayor Kelly called the meeting to order at 6:30PM

**Flag Salute, Silent Prayer**

**Sunshine Law:** The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

**Roll Call:**

Council members: Brophy, Carrick, Hayes, Riquelme, Stylianou-present

Councilwoman Zamechansky-absent

Mayor Kelly-present

Motion to accept agenda as presented: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor.

Motion to close to the public: Councilman Brophy

Second: Councilman Stylianou

All in favor.

**Engineer's Report-**T&M engineers Carrino and Panagopoulos were present.

Mr. Carrino stated that the NJEIT Phase II Flood Control project is almost complete. A draft punch list was sent to the contractor, Tomco today. The paving has started on Larch. Mr. Carrino distributed and reviewed a timeline of the project extending from April 22, 2009 through the expected final date of June 28, 2013. He also reviewed the approved change orders with the Governing Body. The engineers had to be cognizant of the State 20% change order limit. Therefore, the scope of work was reduced. The work at the northern end was removed, which eliminated almost \$150,000 worth of work. There were quite a few items and time spent on negotiating outside the contract because of unexpected contaminated soil. On June 20<sup>th</sup> the Mayor had asked Mr. Carrino the cost to terminate the contract but the cost was almost as much as the cost of the contract itself. Therefore, it was decided to proceed. PSE&G's plans for Larch Avenue were incorrect so T&M had to redesign the drainage plans, which delayed the project. Superstorm Sandy also had an impact on PSE&G and caused another delay. Mr. Carrino is requesting additional compensation to take them through the end of the project, which amounts to about 315 hours' worth of work.

Mr. Perkins stated that at times throughout the project Tomco had half crews working. There was discussion at that time whether to go after them for liquidated damages, which he feels should be discussed again. There are several portions that Tomco dug out in which there is

now standing water-from the north side of Lenox to midline of 71 Lenox. Mr. Panagopoulos replied these items are on the punch list for Tomco. Mr. Carrino remarked that after the recent torrential downpours the project has corrected the brook flooding problems.

Councilman Carrick asked the status of the request for reimbursement from PSE&G. Mr. Perkins replied that he sent them a letter and they are supposed to have a meeting in Newark to discuss it.

#### **Administrator's Report**

The West Shore project has begun. The contractor is working from the north side south.

The Department of Transportation \$150,000 grant for Depew Street Phase II has been received.

Parade banners for the Mayor and Council and the Library are in.

The Borough received a grant for a mini-tracker reading device to identify lost dogs and cats with an identity chip. This device can be used by the Police and Health Department.

The Borough is receiving a Clean Communities grant in the amount of \$27,793.62 which Mr. Perkins would like to use to purchase recycling containers for each home in town. There were no objections from the Council.

The new LED lights have been upgraded along the path at Memorial Park. The safety lights along the first base line of the Babe Ruth field are also done at no cost to the Borough through PSE&G.

#### **Attorney's Report**

The Borough has been named a defendant in a fall-down case. Mr. Paster reviewed the complaint and it is completely without merit. It is being handled by a JIF attorney and should be dismissed.

He is referring the tree permit ordinance back to the Ordinance Committee for their comments in response to Mr. Slaman's comments. He can then have the ordinance ready for first reading at the next public meeting.

There is a resolution on tonight's agenda for a waiver of the two gender restroom requirement for Lula's Cuisine, which is in the process of obtaining a liquor license transfer. There will be two restrooms but they will not be gender specific. There will not be bar service; just table service. The prospective owners and their attorney were present for any questions the Council might have.

#### **Mayor's Report**

No report

Review prior to public meeting:

#### **Consent Agenda**

#### **RESOLUTIONS**

#13-106 Approval of DHS Music Boosters On-premise 50/50 Cash Raffle Application to be held 9/20/13,10/11/13, 10/18/13,11/8/13; ID#109-5-36714; RL#389

#13-107 Kevin Oldewertel-Approval as Firefighter with Regular Membership Status

#13-108 Kyle Wengerter- Approval as Firefighter with Regular Membership Status

#13-109 Justin Acevedo-Appointment to Board of Health

#13-110 Katherine Cohen-Appointment to Board of Health

#13-111 Authorization to Advertise for Bids for Depew Street Phase II Project

#13-112 Capital Budget Amendment-Depew Street Phase II Project

#13-113 Bills List

Councilman Carrick questioned #52728. Mr. Perkins will check and inform him. The bills list will be voted on subject to explanation.

#13-114 Approval of Remington Vernick & Arango Engineers Proposal for Depew Street Phase II Project-not to exceed \$10,000

#13-115 Authorization to Advertise for Bids for Fencing for the Babe Ruth Field, Major League Field and Tennis Courts

Councilman Hayes asked if this will be paid for with the money already in place. Mr. Perkins responded it would.

#13-116 Lula's Cuisine-Waiver of Chapter 108, Section 21

Councilman Brophy asked Steve from the Building Department if he had any reservations on Lula's not having gender specific restrooms. He replied he did not.

Councilman Carrick wanted to make sure Lula's would not be open until 2:00AM. Councilman Riquelme asked the maximum occupancy and if they will control it.

### **Non-Consent Agenda**

#13-117 Approval of T&M Associates' Proposal for Supplemental Funding for NJEIT Phase II Project-\$45,000

### **ORDINANCES**

#### *Second Reading*

**#1454** Amendment of Chapter 69, Sections 9 and 75, Personnel Policies of the Dumont Code-Health Benefits

Councilman Carrick stated that council members who had taken health benefits and the costs had been brought up at a previous council meeting. He cited the following health benefits paid from 2002-2005: Don Winant-\$35,000; George DiCostanzo-\$15,000; Gynegrowski-\$27,500; Hemmer-\$27,500; Licamelli-\$20,000; Orr-\$10,000; O'Neill-\$13,000. The amount in those four years totaled \$158,401. He feels it's not political since the Republicans did the same thing. He said that for the record he and Councilman Stylianou had brought up the elimination of health benefits in the past but it was never brought forward because they didn't have the votes. It is not fair to the taxpayers.

Mayor Kelly agreed and asked that the ordinance committee possibly have an ordinance to eliminate salaries for the Governing Body ready for the next meeting.

#### *First Reading*

**#1456** Bond Ordinance Providing for Improvements to Depew Street, Phase II - \$155,000

**#1457** Amendment of Chapter 209, Section 5-Tax Collector Copy Fees

Councilman Hayes asked for clarification. Mr. Paster explained this is consistent with state statute.

Motion to adjourn: Councilman Stylianou

Second: Councilman Brophy

All in favor.

Minutes respectfully submitted by:

Susan Connelly, RMC  
Municipal Clerk